



27 MAY 2009

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In re Application of:  
FULLER, John  
U.S. Application No.: 10/566,114  
PCT No.: PCT/GB04/02500  
International Filing Date: 15 June 2004  
Priority Date: 25 July 2003  
Atty Docket No.: 7101P006  
For: HYDRAULIC VARIATOR  
CONTROL ARRANGEMENT

DECISION ON SECOND  
RENEWED PETITION TO  
WITHDRAW HOLDING OF  
ABANDONMENT  
(37 CFR 1.181)

This decision is issued in response to the "Renewed Petition Under 37 CFR 1.181 To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action" filed 21 April 2008. No petition fee is required.

### **BACKGROUND**

The procedural background for the present application was set forth in the decisions mailed herein on 16 July 2007 and 22 February 2008. The decisions dismissed without prejudice applicant's petition for withdrawal of the holding of abandonment for failure to satisfy all the requirements of a grantable petition. Specifically, applicant had not satisfied the docket records requirement of a grantable petition.

On 21 April 2008, applicant filed the second renewed petition considered herein.

### **DISCUSSION**

The renewed petition includes a copy of counsel's full office docket for responses due on 13 August 2006 and 14 August 2006, the date on which a response to the Notification Of Missing Requirements was due. These materials do not indicate that the Notification Of Missing Requirements in this application was received by applicant, and they satisfy the docket records requirement of a grantable petition.

Based on the above, applicants have now satisfied the final requirement for a petition to confirm the failure to receive the Notification Of Missing Requirements mailed 13 August 2006. The holding of abandonment herein, based as it was on the failure to respond to the Notification that was not received by applicants, is therefore appropriately withdrawn.

It is noted that, on 16 May 2007, applicant filed an executed declaration in compliance with 37 CFR 1.497 and payment of the surcharge required for filing the declaration later than thirty months after the priority date (i.e., the materials required by the Notification Of Missing Requirements). Accordingly, the mailing of a new Notification Of Missing Requirements is not required.

### CONCLUSION

Applicant's second renewed petition under 37 CFR 1.181 is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/909) mailed 12 March 2007, based as it was on applicant's failure to respond to the Notification Of Missing Requirements that applicants did not receive, is appropriately **VACATED**.

The application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 16 May 2007.



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